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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,607	03/20/2001	Masahiro Toriyama	K-1964	5869

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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/787,607

Applicant(s)

TORIYAMA ET AL.

Examiner

Jason P. Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 8-14, 18, 20, 22-23, 27-40 and 43 are rejected under 35

U.S.C. 102(e) as being clearly anticipated by Shah-Nazaroff et al. (U.S. Patent No. 6,317,881).

Referring to claim 1, Shah-Nazaroff discloses an evaluation data input means with which a viewer inputs evaluation data on broadcast program contents (see Column 3, Lines 23-30), and transmitting means, which transmits the inputted evaluation data to a database center (see Column 3, Lines 5-7).

Referring to claim 2, Shah-Nazaroff discloses an output detecting means which detects the output of the broadcast program contents (see Column 3, Lines 24-32 for prompting a user to give feedback about a broadcast program after it has been viewed), and when detecting, allows the evaluation data input means to be inputted (see Column 3, Lines 23-24).

Referring to claim 3, Shah-Nazaroff discloses a property input means, which inputs the viewer's property data (see Column 3, Lines 58-60), wherein the

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transmitting means is formed to be able to transmit the inputted property data to the database center (see Column 3, Lines 56-58).

Referring to claim 8, Shah-Nazaroff discloses a content-receiving means, which receives the broadcast program contents (see tuner 810 in Figure 8), and content output means, which outputs the program contents (see television 802 in Figure 8).

Referring to claim 9, see the rejection of claim 1.

Referring to claim 10, Shah-Nazaroff discloses a property data receiving means which receives property data transmitted by the viewer (see Column 3, Lines 7-11 for receiving a ratings data based on the information provided by the viewer), a viewer property database which accumulates to total the received property data (see programming guide server 170 for storing the ratings data), and operating means which totals the evaluation data by each property data (see Column 3, Lines 12-13 for storing ratings data from multiple broadcasts, therefore totaling the evaluation data based on the ratings data generated therefrom), wherein the transmitting means is formed to be able to transmit the evaluation data totaled by the operating means (see Column 3, Lines 14-15 for being able to transmit the data to a viewer by making it accessible).

Referring to claim 11, Shah-Nazaroff discloses an individual evaluation database which accumulates the evaluation data, which an individual viewer transmits (see Column 3, Lines 5-15), by each viewer and similar-viewer selecting means which selects a plurality of other viewers (see Column 4, Lines 49-54), wherein the transmitting means is formed to be able to transmit the

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evaluation data totaled by the similar viewer selecting means (see the rejection of claim 11).

Referring to claim 12, Shah-Nazaroff discloses that the transmitting means is formed to be able to transmit the evaluation data to the viewer under the condition that the system receives the property data from the viewer (note that if the system doesn't receive the property data of the viewers, the averaged settings cannot be transmitted to the viewer, because there would be no evaluation data to process).

Referring to claim 13, Shah-Nazaroff discloses that the transmitting means is formed to be able to transmit the evaluation data to the viewer under the condition that the system receives the evaluation data from the viewer (note that if the system doesn't receive the evaluation data of the viewers, the averaged settings cannot be transmitted to the viewer, because there would be no evaluation data to process).

Referring to claim 14, see the rejection of claim 1, as well as tuner 810 in Figure 8 for a content receiving means to perform the content receiving step where program contents broadcast with a radio wave is received, disk 814 for a content storing means to perform the content storing step in which the received program contents are stored, and display device 902 to perform the content output step in which the program contents is outputted.

Referring to claim 18, see the rejection of claims 1 and 10-11.

Referring to claim 20, see the rejection of claim 18.

Referring to claim 22, see the rejection of claims 1 and 3.

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Referring to claim 23, see the rejection of claim 2.

Referring to claims 27-31, see the rejection of claim 8.

Referring to claim 32, see the rejection of claims 9-10.

Referring to claim 33, see the rejection of claim 11.

Referring to claims 34-35, see the rejection of claim 12.

Referring to claims 36-39, see the rejection of claim 13.

Referring to claim 40, see the rejection of claim 14.

Referring to claim 43, see the rejection of claim 18.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4-7, 15-17, 19, 21, 24-26, 41-42 and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah-Nazaroff et al. (U.S. Patent No. 6,317,881) in view of Liebenow (U.S. Patent No. 6,530,083).

Referring to claim 4, Shah-Nazaroff discloses a transmitting means, which transmits a reference to other viewers' evaluation data to the viewer from a database center, and data receiving means, which receives the other viewers' evaluation data when the database center, on receiving the request from the transmitting means, has transmitted the evaluation data (see Column 4, Lines

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49-54 for transmitting other viewer feedback in the form of a viewable meter to the user).

Shah-Nazaroff fails to disclose that the transmitting means sends a request for the other viewers' feedback data.

Liebenow discloses transmitting viewer feedback for a user, averaging all the user settings and requesting the averaged setting back to the user, which therefore inherently contains settings of the other viewers feedback data (see Figure 2 and Column 4, Line 52 through Column 6, Line 24).

Referring to claim 5, Liebenow discloses that the request-transmitting means comprises selection factor input means which inputs a selection factor of the evaluation data requested for the viewer's reference (see step 216 in Figure 2).

Referring to claim 6, Liebenow discloses that the data-receiving means is formed to be able to receive the evaluation data processed at the database center by each property data (see Figure 5 for the data receiver displaying (receiving) the evaluation data (the averaged settings) from the database center and displayed on the user's screen).

Referring to claim 7, Liebenow discloses that the data-receiving means is formed to be able to receive the evaluation data processed at the database center by each similar viewer who tends to make similar evaluation (see Figure 2, step 224 for averaging all of the users that are similar to the viewer who tends to make similar evaluation).

Referring to claim 15, Shah-Nazaroff discloses an evaluation data input

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urging step in which a viewer is urged to input evaluation data on broadcast program contents (see the rejection of claim 1), a transmitting step in which the evaluation data is transmitted to a database center (see the rejection of claim 1), a data-receiving step in which other viewers' evaluation data accumulated at the database center is received (see the rejection of claim 4), and a data output step in which the received other viewers' evaluation data is outputted (see Column 4, Lines 49-54).

Referring to claims 16-17, Shah-Nazaroff teaches that property and evaluation data are received at the programming guide server 170 (see Figure 1 and Column 3, Lines 5-7). Also note Figures 4-7 for the different types of property and evaluation data sent to a database center.

Referring to claim 19, see the rejection of claim 15.

Referring to claim 21, see the rejection of claims 4, 15 and 18.

Referring to claim 24, see the rejection of claims 4-6.

Referring to claim 25, see the rejection of claim 24.

Referring to claim 26, see the rejection of claim 7.

Referring to claim 41, see the rejection of claims 15 and 16.

Referring to claim 42, see the rejection of claims 15 and 16.

Referring to claim 44, see the rejection of claim 15.

Referring to claim 45, see the rejection of claims 15 and 18.

Referring to claim 46, see the rejection of claims 4, 15 and 18.

Conclusion

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason P Salce
Patent Examiner
Art Unit 2614



June 27, 2005